IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. __55302CON3__
Anticipated Classification of
this application: Class __370__
Prior Application:
    Examiner: _J. CONTEE_
    Art Unit: _2681_

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir: This is a request for filing a

[X] Continuation

[ ] Divisional

of pending prior application Serial No. __10/345,791__ filed on _January 16, 2003_ of _Thomas E. GORSUCH et al._ for DYNAMIC BANDWIDTH ALLOCATION TO TRANSMIT A WIRELESS PROTOCOL ACROSS A CODE DIVISION MULTIPLE ACESS (CDMA) RADIO LINK

1. [X] Enclosed is a copy of the prior application, including the oath or declaration as originally filed and an affidavit or declaration verifying it as a true copy.

2. [ ] Prepare a copy of the prior application.

3. [X] A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

4. [X] The filing fee is calculated below:

CLAIMS AS FILED IN THE PRIOR APPLICATION, LESS ANY CLAIMS CANCELED BY AMENDMENT BELOW

	(Col. 1)		(Col. 2)		SMALL ENTITY			LARGE ENTITY	
FOR:	# FILED		# EXTRA		RATE	FEE		RATE	FEE
BASIC FEE						$	OR		$770
TOTAL CLAIMS	33	-20	13		X 9	$	OR	X 18	$234
INDEP CLAIMS	3	- 3	0		X 42	$	OR	X 86	$0
[ ] MULTIPLE DEPENDENT CLAIM PRESENTED					+140	$	OR	+280	
* If the difference in Col. 1 is less than "0", enter "0" in Col. 2.					TOTAL	$		TOTAL	$1004

5. [X] A check in the amount of _$1,004.00_ is enclosed. If any additional extension and/or fee is required, or if any additional fee for claims is required, charge Account No. 01-0484.

6. [X] Cancel in this application original claims _1-2_ of the prior application before calculating the filing fee.

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7. [ ] Transfer the drawings from the prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file. (May only be used if signed by person authorized by Rule 138 and before payment of base issue fee.)

8a. [ ] New formal drawings are enclosed.

8b. [ ] Priority of application Serial No. _____ filed on _____ in _____ is claimed under 35 U.S.C. 119.   (country)

8c. [ ] The certified copy has been filed in prior application Serial No. _____ filed _____.

9. [X] The prior application is assigned of record to _Tantivy Communications, Inc._ .

10. [X] The power of attorney in the prior application is to:

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10a.[ ] The power appears in the original papers in the prior application.

10b.[X] Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.

10c.[X] **PLEASE ADDRESS ALL FUTURE CORRESPONDENCE TO: CHRISTOPHER F. REGAN**

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11. [ ] Small entity status of this application under 37 CFR 1.27 has been established by a verified statement previously submitted.

12. [X] I hereby verify that the attached papers are a true copy of prior application Serial No. _10/345,791_ as originally filed on _January 16, 2003_.

The undersigned declare(s) further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

January 23, 2004
Date

MICHAEL W. TAYLOR
Registration No. 43,182

[ ] Inventor(s)
[ ] Assignee of complete interest
[X] Attorney or agent of record
[ ] Filed under Rule 34(a)

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